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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,432	01/28/2002	Hirofumi Suda	B422-179	4288

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EXAMINER

VIEAUX, GARY

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,432

Applicant(s)

SUDA, HIROFUMI

Examiner

Gary C. Vieaux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy of Japanese patent application number 2001-025801,

5 filed on February 1, 2001, has been received and made of record.

Drawings

Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in
10 compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office
15 action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

20 reference number 104 on line 21 of page 11;
reference number 122 on line 20 of page 12; and
reference indicator T2 on line 9 of page 17.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

10

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

15

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

20

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25

Claims 1-4, 6-8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKain et al. (WO 96/26600) in view of Johnson et al. (US #6,163,338.)

Regarding claim 1, McKain teaches a recording apparatus comprising input means for inputting a moving image signal (fig. 1 indicator 22), a memory adapted to store the moving image signal input by said input means (p. 25 lines 30-31), a recording medium interface adapted to record the image signal read out from said memory in a recording medium (fig. 4 indicator 94; p. 9 line 32 – p. 10 line 3), and control means (fig. 3 indicator 36; p. 8 lines 17-18; p. 10 lines 3-4) for controlling said memory and said recording medium interface so as to record on the recording medium a main moving image signal input by said input means during a period from recording start designation to recording stop designation (col. 25 lines 31-32), together with a preceding moving image signal input by said input means during a first predetermined period immediately before the recording start designation (p. 25 line 29-32). However, McKain is not found to teach recording a succeeding moving image signal input by said input means during a second predetermined period immediately after the recording stop designation.

Nevertheless, Johnson is found to provide teaching of an apparatus, employed to record image and audio data (col. 1 lines 10-16) for a limited period both before, as well as after a triggering event, which provides additional information related temporally to the event (col. 5 lines 39-50.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of pre and post event recording as taught by Johnson, within the functionality of the recording apparatus as taught by McKain, in order to create a recording apparatus that recorded image data immediately before a recording start designation, as well as immediately after a recording stop designation. One of ordinary skill in the art at the time of the invention would have been

motivated to combine these teachings in order to allow for the acquisition of data related to, and in addition to, the data intentionally acquired during the originally determined recording period (from start designation to stop designation); data which may later be considered useful. One example of this usefulness would be applied to the case of an earthquake recording opportunity; in which a user did not designate a recording start until after the initial indications of a recording opportunity began, such as when the user reacts to the start of an earthquake, and is followed by a designated recording stop, only to find that the recording opportunity was not actually over, such as an aftershock of the earthquake.

10 Regarding claim 2, McKain and Johnson teach all the limitations of claim 2 (see the 103(a) rejection to claim 1 supra) including teaching an apparatus wherein said recording medium interface records the main moving image signal, the preceding moving image signal, and the succeeding moving image signal as one moving image stream (col. 25 lines 30-32.)

15 Regarding claim 3, McKain and Johnson teach all the limitations of claim 3 (see the 103(a) rejection to claim 2 supra) including a teaching by McKain regarding an apparatus wherein said control means generates play list data for controlling a reproducing process of the moving image stream so as to reproduce the main moving image signal, and inhibit reproducing of the preceding and succeeding moving image
20 signals in the moving image stream (p. 15, Table I, that illustrates generated play list data in which a main image signal can be reproduced, and that moving image signals can be inhibited during a reproducing process.)

Regarding claim 4, McKain and Johnson teach all the limitations of claim 4 (see the 103(a) rejection to claim 3 supra) including a teaching by McKain regarding an apparatus wherein said recording medium interface reproduces the moving image signal recorded in the recording medium (p. 17 lines 7-8; p. 21 lines 26-27), and the play list (p. 24 lines 17-18), and wherein said control means controls a reproducing operation of the moving image data by said recording medium interface according to the reproduced play list (p. 14 lines 14-16 and lines 20-21; col. 24 lines 16-32.)

Regarding claim 6, McKain teaches a recording apparatus comprising recording means for recording an input moving image signal in a recording medium (fig. 4 indicator 94; p. 9 line 32 – p. 10 line 3), generating means (fig. 3 indicator 36; p. 14 lines 13-16) for generating play list data according to the recording operation of the moving image signal by said recording means (p. 15, Table I; p. 17 lines 7-15), the play list data being used for controlling a reproducing process of one moving image stream including the moving image signal so as to inhibit reproducing of moving image signals of a first predetermined period (p. 25 lines 29-32) from a head of the moving image stream (p. 15, Table I, that illustrates generated play list data in which a main image signal can be reproduced, and that moving image signals can be inhibited during a reproducing process), and reproduce a moving image signal of a period other than the first predetermined period in the moving image stream (p. 15, Table I, that illustrates moving image signals of periods that do not include first or second periods), and control means (fig. 3 indicator 36; p. 8 lines 17-18; p. 10 lines 3-4) for controlling said recording means

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so as to record the play list generated by said generating means on the recording medium (p. 24 lines 17-24.) However, McKain is not found to teach a second predetermined period immediately before an end of the moving image stream, and reproducing a moving image signal of a period that does not include said second

5 predetermined period in the moving image stream.

Nevertheless, Johnson is found to provide teaching of an apparatus, employed to record image and audio data (col. 1 lines 10-16) for a limited period both before, as well as after a triggering event, which provides additional information related temporally to the event (col. 5 lines 39-50.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of pre and post event recording as taught by Johnson, within the functionality of the recording apparatus as taught by McKain, in order to create a recording apparatus that recorded image data immediately before a recording start designation, as well as immediately after a recording stop designation. One of ordinary skill in the art at the time of the invention would have been motivated to combine these teachings in order to allow for the acquisition of data related to, and in addition to, the data intentionally acquired during the originally determined recording period (from start designation to stop designation); data which may later be considered useful. One example of this usefulness would be applied to the case of an earthquake recording opportunity; in which a user did not designate a recording start until after the initial indications of a recording opportunity began, such as when the user reacts to the start of an earthquake, and is followed by a designated recording stop,

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only to find that the recording opportunity was not actually over, such as an aftershock of the earthquake.

It would have been further obvious to apply reproduction of the moving image stream, via play list control, and inhibit reproduction of this second predetermined period within the apparatus as taught above by McKain and Johnson. One of ordinary skill in the art at the time of the invention would have been motivated to include this functionality in order to be able to fully manipulate the moving image signal when editing; allowing the final desired moving image stream to be fully selectable from the total moving image stream by allowing it to be separated from both the beginning and ending periods (McKain, p. 15 Table I, for example.)

Regarding claim 7, McKain and Johnson teach all the limitations of claim 7 (see the 103(a) rejection to claim 6 supra) including a teaching by McKain regarding an apparatus wherein said generating means decides a period other than the first and second predetermined periods according to recording start designation and recording stop designation of the moving image signal (McKain p. 25 lines 24-32, when not in "LOOP/RECORD" mode, in which a period is determined according to recording start and stop designations only, and does not include the first predetermined period.) It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the same functionality related to the recording start designation to the recording stop designation as well, preventing capture of the second predetermined period as taught by the apparatus of McKain and Johnson, in order to allow for capture of only the time frame delineated by the designations, and not the first or second periods. This

provides for greater user control of the apparatus functionality, as well as allows the user greater control over the amount of memory being used for capture of a desired clip.

Regarding claim 8, McKain and Johnson teach all the limitations of claim 8 (see the 103(a) rejection to claim 6 supra) including teaching an apparatus further comprising
5 reproducing means for reproducing the moving image signal and the play list data recorded on the recording medium (p. 24 lines 17-24), wherein said control means controls the reproducing operation of said reproducing means according to the reproduced play list data normally in response to a normal reproduction designation (p. 14 lines 14-16.)

10 Regarding claim 11, McKain teaches a recording apparatus comprising image pickup means (fig. 1 indicator 22), a microphone (p. 7 lines 13-15), a memory adapted to store a moving image signal obtained by said image pickup means, and an audio signal obtained by said microphone (p. 25 lines 30-31; p. 7 line 13), a recording medium interface adapted to record on a recording medium an information signal train
15 composed of the moving image signal and the audio signal read out from said memory (fig. 4 indicator 94; p. 9 line 32 – p. 10 line 3; p. 7 line 13), and control means (fig. 3 indicator 36; p. 8 lines 17-18; p. 10 lines 3-4) for controlling said memory and said recording medium interface so as to record on the recording medium a main information signal including the moving image and audio signals obtained respectively by said
20 image pickup means and said microphone during a period from recording start designation to recording stop designation(col. 25 lines 31-32), together with a preceding information signal containing moving image and audio signals obtained respectively by

said image pickup means and said microphone during a first predetermined period immediately before the recording start designation (p. 25 line 29-32). However, McKain is not found to teach recording a succeeding information signal containing moving image and audio signals obtained respectively by said image pickup means and said microphone during a second predetermined period immediately after the recording stop designation.

Nevertheless, Johnson is found to provide teaching of an apparatus, employed to record image and audio data (col. 1 lines 10-16) for a limited period both before, as well as after a triggering event, which provides additional information related temporally to the event (col. 5 lines 39-50.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of pre and post event recording as taught by Johnson, within the functionality of the recording apparatus as taught by McKain, in order to create a recording apparatus that recorded image data immediately before a recording start designation, as well as immediately after a recording stop designation. One of ordinary skill in the art at the time of the invention would have been motivated to combine these teachings in order to allow for the acquisition of data related to, and in addition to, the data intentionally acquired during the originally determined recording period (from start designation to stop designation); data which may later be considered useful. One example of this usefulness would be applied to the case of an earthquake recording opportunity; in which a user did not designate a recording start until after the initial indications of a recording opportunity began, such as when the user reacts to the start of an earthquake, and is followed by a designated recording stop,

only to find that the recording opportunity was not actually over, such as an aftershock of the earthquake.

Claims 5, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable
5 over McKain et al. (WO 96/26600) in view of Johnson et al. (SU #6,163,338), in further
view of Matsui et al. (US #6,674,955.)

Regarding claim 5, McKain and Johnson teach all the limitations of claim 5 (see
the 103(a) rejection to claim 4 supra), except for teaching an apparatus further
comprising image processing means for executing effect processing on the reproduced
10 moving image data, wherein said control means controls said recording medium
interface and said image processing means so as to reproduce the preceding moving
image signal or the succeeding moving image signal from the recording medium, and
execute effect processing for the reproduced preceding or succeeding moving image
signal according to effect reproducing designation. Although, it is noted that McKain is
15 found to teach the control means controlling the recording medium interface so as to
reproduce the moving image signal from the recording medium for editing purposes (p.
14 lines 14-16; p. 24 lines 22-23.)

Nevertheless, Matsui is found to teach an apparatus including image processing
means for executing effect processing on reproduced moving image data (fig. 3
20 indicator 3; col. 12 lines 9-12), and control means (fig. 4 indicator 3A; col. 13 lines 8-16,
indicating control via CPU), wherein said control means controls a recording medium
interface and said image processing means (col. 12 lines 18-26), so as to reproduce

moving image signals that precede and succeed the designated moving image signal from the recording medium (col. 12 lines 23-26; col. 43 lines 44-52), and execute effect processing for the reproduced moving image signals according to effect reproducing designation (figs. 31B and 37B.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the image processing means and effects as taught by Matsui, within the apparatus as taught by McKain and Johnson, in order to create an apparatus which not only reproduces successive moving image signals, but also includes transitional effects as a segue from one moving image signal to the next. It would further have been obvious to employ additional time, both preceding and succeeding the designated start and stop of the moving image signal, as provided above, in order to achieve the transitional effect without impinging on any of the operator designated range of the moving image signal; the transition coinciding with an already present predetermined time before a designated start of a moving image signal and concluding with an already present predetermined time after a designated stop of a moving image signal.

Regarding claim 9, McKain and Johnson teach all the limitations of claim 9 (see the 103(a) rejection to claim 8 supra) except teaching an apparatus wherein said control means controls said reproducing means so as to reproduce the moving image signals of the first and second predetermined periods in the moving image stream according to effect reproducing designation.

Nevertheless, Matsui teaches an apparatus wherein control means (fig. 4 indicator 3A; col. 13 lines 8-16, indicating control via CPU) controls reproducing means

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so as to reproduce moving image signals of first and second periods in a moving image stream according to effect reproducing designation (fig. 31B and 37B; col. 43 lines 44-52.) Given the teachings of Matsui, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate control of the reproducing means, within the preexisting control means of the apparatus as taught by McKain and Johnson to utilize a centralized control structure. It would have been further obvious to include reproducing the moving image signals of the first and second predetermined periods in the moving image stream according to effect reproducing designation, in order to create transitional effects between moving image streams, e.g. wipe or dissolve, with the designated moving image streams in the reproduction remaining in total and the first and second predetermined periods employed as the moving image streams in transition.

Regarding claim 10, McKain, Johnson and Matsui teach all the limitations of claim 10 (see the 103(a) rejection to claim 9 supra) including an apparatus wherein said control means controls said reproducing means so as to continuously reproduce two moving image streams by using moving image signals of first and second predetermined periods in the two moving image streams according to the effect reproducing designation (figs. 31B and 37B and col. 43 lines 44-52, in which two moving image streams are continuously reproduced during a transitional effect; the transitional effect employing time periods that both precede and succeed the designated moving image signal.)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Laws (US #6,035,367) discloses recording of camera data prior to a triggering
5 event by means of a loop structure.

Mincy et al. (US #6,052,508) discloses non-linear access to recorded clips within
a recording and editing system by means of a play list.

Contact

10 Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Gary C. Vieaux whose telephone number is 703-305-
9573 until March 1, 2005, and 571-272-7318 afterwards. The examiner can normally be
reached during his normal office hours, which are Monday - Friday, 8:00am - 4:00pm,
with alternating Fridays off.

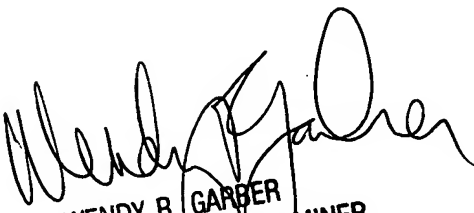
15 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Wendy Garber (SPE 2612) can be reached at 703-305-4929 until March 1,
2005, and at 571-272-7308 afterwards. The fax phone number for the organization
where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C. Vieaux
Examiner
Art Unit 2612

10 Gcv2


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